

**Minutes of the 9th Meeting of
Yau Tsim Mong District Council (2012-2015)**

Date : 28 February 2013 (Thursday)
Time : 2:30 pm
Venue : Yau Tsim Mong District Council Conference Room
4/F., Mong Kok Government Offices
30 Luen Wan Street
Mong Kok, Kowloon

Present:

Chairman

Mr CHUNG Kong-mo, JP

Vice-chairman

Ms KO Po-ling, BBS, MH, JP

District Council Members

Mr CHAN Siu-tong, MH

Mr CHAN Wai-keung

Mr CHOI Siu-fung, Benjamin

Mr CHONG Wing-charn, Francis

Mr CHOW Chun-fai, BBS, JP

Mr HAU Wing-cheong, BBS, MH

Mr HUI Tak-leung

Mr HUNG Chiu-wah, Derek

Mr IP Ngo-tung, Chris

Ms KWAN Sau-ling

Mr LAU Pak-kei

Mr LEUNG Wai-kuen, Edward, JP

Hon TO Kun-sun, James

Mr WONG Chung, John

Mr WONG Kin-san

Mr WONG Man-sing, Barry, MH

Ms WONG Shu-ming

Mr YEUNG Tsz-hei, Benny

Representatives of the Government

Ms HO Siu-ping, Betty, JP	District Officer (Yau Tsim Mong)	Home Affairs Department
Mr CHIU Chung-yan, Charlson	Assistant District Officer (Yau Tsim Mong)	Home Affairs Department
Mr CHAN Hon-kwong	District Environmental Hygiene Superintendent (Mong Kok)	Food and Environmental Hygiene Department
Mr WONG Kam-wah	District Environmental Hygiene Superintendent (Yau Tsim)	Food and Environmental Hygiene Department
Mr Duncan Stuart MCCOSH	District Commander (Mong Kok)	Hong Kong Police Force
Mr YU Tat-chung	District Commander (Yau Tsim)	Hong Kong Police Force
Ms YUEN Miu-chun, Christine	Senior Transport Officer/Yau Tsim Mong (Atg)	Transport Department
Mr SO Ting-lut, Vincent	District Leisure Manager (Yau Tsim Mong)	Leisure and Cultural Services Department
Mr CHAN Hoo-kong	Senior Engineer/3 (Kowloon)	Civil Engineering and Development Department
Ms TSO Pui-hing, Tammy	Housing Manager/Kowloon West 3	Housing Department

In Attendance:

Mr CHUI Man-leung	Divisional Commander (Kowloon South)	Fire Services Department
Mr LAW Kam-sheung	Chief Structural Engineer	Buildings Department

Mr HO Kar-yin	Senior Structural Engineer	Buildings Department
Mr NG Ying-wai, William	Senior Engineer/2	Civil Engineering and Development Department
Ms YU Lai-han, Lilian	Senior Landscape Architect/Land Works 1	Civil Engineering and Development Department
Mr WONG Chak-cheong	Inspector of Works	Civil Engineering and Development Department
Mr Richard NEISH	Resident Engineer	ACLA Ltd.
Ms CHANG Yuen-ni, Yvonne	Senior Estate Surveyor/Kowloon Central	Lands Department
Mr PANG Tat-wing	District Engineer/Mong Kok	Highways Department
Mr CHAN Chi-chuen	Engineer 2/Project Technical Support	Highways Department
Mr CHAN Pak-hay, Simon	Town Planner/Yau Tsim Mong 2	Planning Department
Mr SZETO Wing-kwok	Senior Environmental Protection Officer (Assessment & Noise) 6	Environmental Protection Department
Mr YEUNG Chuen-ching, Francis	Senior Environmental Protection Officer (Regional E) 1	Environmental Protection Department
Mr CHAN Wai-tak	Senior Engineer/Kowloon District West	Transport Department
Mr CHAN Hoi-sing	Principal Estate Officer/Kowloon West (South)	Lands Department
Mr LUK Kwok-po	Chief Estate Officer/Kowloon	Lands Department
Mr MAN Tat-shing	Assistant District Commander (Crime) (Yau Tsim)	Hong Kong Police Force
<u>Secretary</u>		
Ms CHUNG Siu-lan, Joanne	Senior Executive Officer (District Council), Yau Tsim Mong District Office	Home Affairs Department

Opening Remarks

The Chairman welcomed representatives from government departments and participants to the Yau Tsim Mong District Council (YTMD) meeting. He reported that Mr Duncan Stuart MCCOSH, District Commander (Mong Kok) and Mr YU Tat-chung, District Commander (Yau Tsim) of the Hong Kong Police Force (HKPF) attended the meeting in place of Mr Peter David CORNTHWAITE and Mr CHEUNG Kwai-kee respectively who had already been transferred to another post. He also reported that Mr WONG Chi-sing, Janson, Chief Engineer/Kowloon 2 (Kowloon) of the Civil Engineering and Development Department (CEDD), Mr CHOY Chok-sang, Mario, Chief Transport Officer/Kowloon of the Transport Department (TD) and Mr LUI Kwong-fai, Chief Manager/Manager (Kowloon West and Hong Kong) of the Housing Department were absent due to other commitments and Mr CHAN Hoo-kong, Senior Engineer/3 (Kowloon), Ms Christine YUEN, Senior Transport Officer/Yau Tsim Mong (Atg) and Ms Tammy TSO, Housing Manager/Kowloon West 3 were attending the meeting in their place respectively.

2. The Chairman said Councillors would later vote on items 9, 10, 11 and 12. He asked Councillors to try their best to stay and vote. If Councillors could not vote personally, they could vote by proxy appointed in writing.

3. The Chairman then asked participants to speak as concise as possible since there were many items on the agenda. He proposed that Councillors who had submitted papers be given two minutes to make supplementary remarks, and that each Councillor be allowed to speak twice on each item: two minutes for the first time and one minute for the second time. Participants

had no objection to the proposal.

Item 1: Confirmation of Minutes of 8th Yau Tsim Mong District Council Meeting

4. The Chairman said that the Secretariat had received amendments to the minutes of the last meeting proposed by him and the Buildings Department (BD), and that the document (Annex 1) had been distributed in the meeting for Members' perusal.

5. The amended minutes of the last meeting were confirmed.

Item 2: Matters Arising
- Continued Concern over No. 4 Alarm Fire at Fa Yuen Street and Its Follow-up Work
(YTMDC Paper No. 8/2012)

6. The Chairman welcomed the following representatives to the meeting:

- (a) Mr Duncan Stuart MCCOSH, District Commander (Mong Kok) of the HKPF;
- (b) Mr CHUI Man-leung, Divisional Commander (Kowloon South) of the Fire Services Department (FSD); and
- (c) Mr LAW Kam-sheung, Chief Structural Engineer and Mr HO Kar-yin, Senior Structural Engineer of the BD.

7. Mr HO Kar-yin reported on the stepped up inspections performed by the BD after the Fa Yuen Street fire incident. The BD had issued three removal orders against "subdivided units" (SDUs) in the building at 188-190 Fa Yuen Street. Among these, two orders had been complied with. Regarding the removal order which had yet to be complied with, the owner would later arrange for the removal works. The BD had issued seven removal orders against the building that did not involve SDUs and six of them had been complied with. The department would instigate prosecutions against the remaining non-compliant owner. Moreover, the BD had issued two statutory repair orders to the building, and all of them had been complied with. The BD had issued seven removal orders against SDUs in the building at 192-194 Fa Yuen Street, and all had been complied with. The department had also issued 12 removal orders against unauthorised building works (UBWs) in that building, in which two involved unauthorised works in public places and 10 involved unauthorised works of individual owners. The two removal orders involving unauthorised works in public places had been complied with. Out of the 10 removal orders involving unauthorised works of individual owners, two had been complied with and eight had yet to be complied with. The BD had already issued summons to one of the relevant owners, referred one case to the court for processing, and would issue warning letters to the remaining six owners. It would prosecute those owners if they still failed to make their own arrangement to remove the UBWs. In addition, the BD had issued six statutory repair orders to the building, and all had been complied with. The BD had issued eight removal orders against SDUs in the building at 196-198 Fa Yuen Street, and five of them had been complied with. The department would prosecute the non-compliant owners involved in the remaining three removal orders. Moreover, the BD had issued 11 removal orders that did not involve SDUs, in which seven had been complied with. Regarding the remaining removal orders which had yet to be complied with, the department had already issued the owners with summonses, and had successfully prosecuted two of them. In addition, the BD had issued five statutory repair orders against the building. Two of those orders involved unauthorised works in public places and three involved unauthorised works of individual owners. One of the orders had not been complied with and the department would inspect the unit later.

(Mr Edward LEUNG attended at 2:46 pm.)

8. Mr LAW Kam-sheung clarified that the BD was currently prosecuting the relevant owners of SDUs in the building at 196-198 Fa Yuen Street in respect of the three orders that had not been complied with.

9. The Chairman asked whether the BD had already issued removal orders to all non-compliant owners of buildings near the hawker stalls of Fa Yuen Street. He also asked whether the BD had instigated prosecutions, were instigating prosecutions, or would instigate prosecutions against owners who had not complied with removal orders.

10. Mr LAM Kam-sheung responded that the BD had already instigated prosecutions or would instigate prosecutions against owners who had not complied with SDUs removal orders or had not arranged for the necessary works.

11. Mr CHUI Man-leung said that since the Fa Yuen Street fire incident, the FSD had carried out almost 400 inspections at buildings near the stalls and over 40 inspections in the building at 192-194 Fa Yuen Street. He added that in recent months, the FSD had issued three Fire Hazard Abatement Notices in respect of the article obstruction found in the buildings. The FSD would continue to inspect those buildings to ensure fire safety.

12. Mr Duncan Stuart MCCOSH provided the following information:

- (i) The ad hoc group of the Kowloon West Region was responsible for the investigation of the fire at Fa Yuen Street. After consolidating the information provided by other departments, the Police had submitted the investigation report to the Coroner's Court on 10 December 2012.
- (ii) The coroner inquest into the fire at Fa Yuen Street was held on 25 February 2013 and was anticipated to complete by 15 March. Some witnesses had already testified in court.

13. Mr WONG Kin-san hoped that the Police or FSD would release the investigation results on the Fa Yuen Street fire incident at the meeting. He also requested to continue the discussion on the item at the next meeting. If the Coroner's Court had made a ruling by that time, he suggested that the YTMDC invite relevant government departments to attend the meeting to brief Members on the Government's follow up work. He also said that at the Fa Yuen Street Hawker Management Consultative Committees meeting held on 27 February 2013, the Food and Environmental Hygiene Department (FEHD) had mentioned the Assistance Scheme for Hawkers. Under the scheme, the Government would use \$200 million to help hawkers in fixed-pitch hawker areas throughout Hong Kong for stall relocation or reconstruction, so as to improve fire safety in the hawker areas. At that meeting, some street traders expressed hope that the Government could take special measures for special problems by introducing retrospective arrangement for the Scheme, so as to benefit the 220 street traders at Fa Yuen Street who had already completed fire safety improvement works.

14. The Chairman said that while representatives from the FEHD had not been invited to attend the meeting to discuss the Assistance Scheme for Hawkers, he still hoped that Mr CHAN Hon-kwong could reflect Mr WONG Kin-san's views to the FEHD for its consideration.

(Mr Francis CHONG joined the meeting at 2:55 pm.)

15. The Hon James TO asked the BD about the nature of offences of prosecution cases against the buildings near the Fa Yuen Street stalls.

16. Mr CHAN Wai-keung would like to know the number of times the FSD was able to inspect the rear staircases of buildings near the Fa Yuen Street stalls during inspection. He doubted that for various reasons, the FSD might not be able to enter and inspect the rear staircases of buildings during every inspection.

17. Mr CHUI Man-leung replied that whenever the FSD inspected the buildings in question, it would inspect both the front and rear staircases. If access to the rear staircase was locked, the firemen would try to contact the relevant owners to request entry to the rear staircase for inspection.

18. Mr LAW Kam-sheung responded that the BD would issue removal orders to relevant owners in respect of the unauthorised works of the building, and that the owners might be prosecuted if they did not comply with the order. Regarding the cases of non-compliant SDUs, most of them involved obstruction of fire escapes, sub-standard fire-resisting materials, or overloading of floor slabs due to addition of partitions or thickening of floor screeding.

19. The Hon James TO asked the BD how many of the prosecution cases on non-compliance of removal orders by owners of buildings near Fa Yuen Street involved obstruction of fire escapes.

20. Mr LAW Kam-sheung said that the relevant figures could not be provided then, but stressed that the BD would focus on combatting irregularities such as obstruction of fire escapes.

21. The Chairman asked the BD how long it took to prosecute owners who did not comply with removal orders involving SDUs or other unauthorised works.

22. Mr LAW Kam-sheung responded that the court had to fix a date for hearing such cases.

23. Mr WONG Kin-san asked again whether the Police or FSD could disclose the investigation results of the Fa Yuen Street fire incident at the meeting.

24. The Hon James TO pressed the BD on the number of prosecutions involving obstruction of fire escapes.

25. Mr LAW Kam-sheung replied that supplementary information would be provided after the meeting.

(Post-meeting note: The BD submitted supplementary information (Annex 2) to the Secretariat on 22 April 2013.)

26. Mr WONG Kin-san hoped that the Police could disclose the investigation results of the Fa Yuen Street fire incident at the meeting.

27. Mr Duncan Stuart MCCOSH responded that since the coroner inquest into the Fa Yuen Street fire incident was in progress, the Police was not in a position to disclose the contents of the investigation report before the Coroner's Court had made a ruling. He stressed that the Police would explain all disclosable information to Councillors.

28. The Chairman said that since the coroner inquest into the Fa Yuen Street fire incident was in progress, he hoped that Councillors understand it would not be appropriate for the Police or relevant departments to disclose too many details of the investigation for the time being.

29. The Chairman suggested inviting representatives of the HKPF, FSD and other relevant government departments to attend the next meeting to continue the discussion on the item.

There was no objection to the suggestion. He then closed the discussion on the item.

- Item 3: Financial Position of YTMDC as at 18.2.2013
(YTMDC Paper No. 4/2013)**

- Item 4: Hiring of Contract Staff by YTMDC
(YTMDC Paper No. 5/2013)**

- Item 5: Revised Funding Application from 2012-2015 Yau Tsim Mong District
Fight Crime Committee for Organising Anti-drug Abuse Family Fun
Night
(YTMDC Paper No. 6/2013)**

- Item 6: Funding Application from Leisure and Cultural Services Department
for Programme Plan on Extension activities of Public Libraries in Yau
Tsim Mong District from April 2013 to March 2014
(YTMDC Paper No. 7/2013)**

- Item 7: Leisure and Cultural Services Department's Funding Application for
Annual Plan on Free Entertainment Programmes in YTM District in
2013/14
(YTMDC Paper No. 8/2013)**

- Item 8: Leisure and Cultural Services Department's Recreational and Sports
Programmes Plan for YTM District from April 2013 to March 2014
(YTMDC Paper No. 9/2013)**

30. The Chairman proposed that papers in respect of items 3 to 8 about district council (DC) funding be discussed together and participants had no objection to the proposal. He reminded Councillors to fill in the Declaration of Interests form tabled if necessary.

31. The Hon James TO hoped that the Yau Tsim Mong District Office (YTMDO) or the YTMDC could keep the expenditure on the souvenirs offered to officiating guests or speakers to a minimum, so as to uphold the principles of simplicity and frugality.

32. The Chairman said that the YTMDC usually offered certificates as souvenirs to officiating guests or speakers in its activities. The working groups (WGs) and organising committees (OCs) under the YTMDC, however, could decide the type of souvenirs of their choice depending on the occasion.

33. The Hon James TO pointed out that according to the paper on “Anti-drug Abuse Family Fun Night” (Paper No. 6/2013), the YTM District Fight Crime Committee (FCC) had applied to increase the originally approved budget for souvenirs to officiating guests from \$2,000 to \$2,700. He would like to know the reason.

34. The Chairman clarified that the “Anti-drug Abuse Family Fun Night 2012” was organised by the FCC under the YTMDO, not by the YTMDC.

35. Mr Derek HUNG agreed that the YTMDC and YTMDO should organise events in an economical and environmentally friendly way, and should reduce the expenditure on souvenirs to officiating guests to a minimum. He referred to the Yau Tsim Mong District Ethnic Cultural Show organised by the Working Group on Ethnic Affairs on 24 February 2013. The organiser had not presented any certificates to officiating guests, and had used name plates instead of corsages.

36. Ms Betty HO said that the YTMDO would commit itself to adhere to the principles of environmental protection and simplicity when co-organising events. She added that according to the internal guidelines of the Government, government officials who were invited to officiate at events should not accept grand souvenirs. That was why the YTMDO usually offered name plates instead of corsages to guests.

37. The Chairman said that the YTMDC or WGs and OCs under the YTMDC had always practised the principles of simplicity and frugality when organising events over the years. He asked Councillors to appeal to various groups that received funding from the YTMDC to do the same thing.

38. The Hon James TO asked again why the FCC had applied to increase the budget for the 15 souvenirs to be presented to officiating guests to \$2,700 for the “Anti-drug Abuse Family Fun Night 2012” event.

39. Ms Betty HO said she would ask the Secretary of the FCC for details and then get back to Councillors.

40. Mr CHAN Siu-tong said he could arrange for the supplementary information on Paper No. 6/2013 to be submitted to Councillors after the meeting. He added that the YTMDO and FCC had always practised financial prudence when organising events.

41. The Hon James TO said that according to Paper No. 6/2013, the estimated expenses of many items of the event had increased or decreased, but the budget for the overall event remained unchanged. He doubted whether that reflected the actual situation.

42. Ms Betty HO said that there were detailed records of all procurement procedures of the events organised by the YTMDO. She would provide Councillors with detailed information on the expenditure of “Anti-drug Abuse Family Fun Night 2012”.

43. The Hon James TO noted that the estimated expenditure of some items of “Anti-drug Abuse Family Fun Night” had decreased. He said that it would be inappropriate if the YTMDO had increased the budget for some items just to keep the overall funding for the event the same.

44. Ms Betty HO added that the FCC’s purpose of submitting Paper No. 6/2013 was merely to revise the estimated expenditure for the relevant event. There might be differences between the estimated and actual expenditure of the event. She would review the breakdown of the estimated expenditure of the event and then provide Councillors with detailed information.

45. The Chairman asked Councillors if they would endorse the allocation of funding for items 4 to 8 (YTMDC Paper Nos. 5/2013 to 9/2013).

46. The Hon James TO said he would cast an abstention vote on item 5.

47. Mr CHAN Wai-keung said that some Councillors had doubts over the funding application of Paper No. 6/2013. Since the YTMDO was unable to immediately provide supplementary information, he asked whether the discussion of the funding application should be put on hold until the next meeting.

48. Ms Betty HO explained that the next meeting was scheduled to be held on 25 April, whereas the prevailing financial year would end on 31 March. If the funding application was to be discussed at the next meeting, the YTMDO would be unable to allocate funds to the FCC to

organise the event before the end of the prevailing financial year. She suggested that the supplementary information be provided to Councillors by circulation so that the funding application could be endorsed and funds could be appropriated by the end of the financial year.

49. Mr HUI Tak-leung said that the YTMDC had already allocated funds to the FCC for the organisation of events at the beginning of the financial year, in which there was a provision of \$133,300 for the organisation of the “Anti-drug Abuse Family Fun Night 2012”. As the event had already been funded by the YTMDC and the overall estimated expenditure of the event remained unchanged, it was not necessary for the FCC to apply to the YTMDC for the approval of the revised budget in respect of the adjusted expenditure of individual items. He thought that the FCC could directly report the details of actual expenses of the event to the YTMDC afterwards.

50. The Chairman responded that there might be discrepancies between the revised budget submitted by the FCC and the actual expenditure of the event.

51. The Hon James TO said Paper No. 6/2013 stated that the estimated expenditure for the postage of 400 postal items was \$600, which meant \$1.5 each. He would like to know why the estimated expenditure was revised to \$1,100.

52. The Chairman responded that the YTMDC had reviewed each expenditure item of the “Anti-drug Abuse Family Fun Night 2012” before allocating the funding. The FCC, however, might have found it necessary to revise the estimated expenditure of some individual items in the course of organising the event. It therefore applied to the YTMDC for a revision of the estimated expenditure of individual items. He reiterated that the estimated expenditure and actual expenditure of the event might differ.

53. Mr CHAN Siu-tong said that the Working Group on Community Funds and Community Building Committee (CBC) would carefully review each funding application from the YTMDC. He urged Councillors to engage themselves more in the work of the WG on Community Funds and the CBC, so as to have a better understanding of the review and approval of YTMDC funding applications.

54. The Chairman said that the YTMDO would circulate a supplementary paper to the Councillors and consult them on the estimated expenditure of the “Anti-drug Abuse Family Fun Night 2012”.

55. Councillors noted the financial position of the YTMDC as at 18 February 2013.

56. Councillors endorsed the allocation of not more than 15% of Community Involvement Project Funds to the YTMDC in the 2013/2014 year for the hiring of contract staff to perform YTMDC duties.

57. Councillors endorsed the allocation of funding for items 6 to 8 (YTMDC Paper Nos. 7/2013 to 9/2013).

Item 9: Election of Chairperson of Community Building Committee and Appointment of Co-opt Members of YTMDC Committees (YTMDC Paper No. 10/2013)

Election of Chairperson of the CBC

58. The Chairman said Mr HUI Tak-leung had officially resigned as the Chairperson of the CBC on 9 January 2013. According to Article 35(2) of the YTMDC Standing Orders, all

Councillors, regardless of whether they were members of YTMDC committees, were eligible to participate in the election of the chairperson of any committees. The Chairman added that the Secretariat had only received the following nomination regarding the election of the CBC Chairperson:

<u>Nominee</u>	<u>Nominator</u>	<u>Seconded</u>
Mr WONG Kin-san	Ms WONG Shu-ming	Ms KO Po-ling Mr Derek HUNG

59. In the absence of other nominees, Councillors passed the nomination of Mr WONG Kin-san to be the Chairperson of the CBC.

Appointment of Co-opt Members of YTMDC Committees

60. The Chairman said that at the YTMDC annual in-house meeting held on 31 January 2013, Councillors had resolved that in the years of 2012-2015, the term of office of YTMDC committee members would be one year for the first two years and two years for the remaining two years (until the next DC general election). He added that the Secretariat had already sent letters to Councillors to invite nominations for the co-opt members of the CBC, Food and Environmental Hygiene Committee (FEHC), Housing and Building Management Committee (HBMC) and Traffic and Transport Committee (TTC).

61. Members endorsed the proposal on the seat allocation regarding co-opt members in paragraph 4 of Paper No. 10/2013.

62. The Chairman said that since the number of nominees to the FEHC and HBMC did not exceed the number of seats of co-opt members, all nominees would be returned uncontested.

63. The Chairman added that the number of nominees to the TTC and CBC had exceeded the number of seats of co-opt members. After discussion, Councillors agreed to elect the co-opt members of the two committees by ballot.

64. The Chairman asked the Secretary to distribute ballot papers to Councillors. He reminded Councillors not to choose more than the required number of candidates and to mark their selection with an “X”, or else the ballot would be rendered invalid.

65. The Chairman invited Mr Charlson CHIU, Assistant District Officer (Yau Tsim Mong) to monitor the counting process and then announce the result. To avoid hindering the discussion of other items, he asked Councillors whether they agreed to let Mr CHIU monitor the counting process outside the conference room and return to announce the result afterwards. There was no objection to the suggestion.

Item 10: Appointment of YTMDC WGs, Election of WG Chairpersons and Appointment of WG Members (YTMDC Paper No. 11/2013)

Election of WG Chairpersons

66. The Chairman said that at the YTMDC annual in-house meeting held on 31 January 2013, Councillors endorsed the continued establishment of the following seven WGs in the 2013-2014 year: 1) Working Group on Promotion of Tourism and Local Community Economy; 2) Working Group on Concern for the Yau Ma Tei Fruit Market; 3) Working Group on Women’s Affairs; 4) Working Group on Publicity and Promotion; 5) Working Group on Care for the Community; 6) Working Group on Ethnic Affairs; and 7) Working Group on Community

Funds. The term of office for each WG was one year.

67. The Chairman asked Councillors to nominate candidates for the Chairpersons of the seven WGs and to cast votes accordingly. The result was as follows:

	Nominee	Nominator	Seconders
Working Group on Promotion of Tourism and Local Community Economy			
Chairperson	Ms KWAN Sau-ling	Mr CHUNG Kong-mo	Mr Edward LEUNG Mr Chris IP
Working Group on Concern for the Yau Ma Tei Fruit Market			
Chairperson	Mr Benny YEUNG	Mr CHUNG Kong-mo	Mr HAU Wing-cheong Mr LAU Pak-kei
Working Group on Women's Affairs			
Chairperson	Ms WONG Shu-ming	Mr WONG Kin-san	Mr Chris IP Ms KWAN Sau-ling
Working Group on Publicity and Promotion			
Chairperson	Mr LAU Pak-kei	Mr Chris IP	Ms WONG Shu-ming Mr Benny YEUNG
Working Group on Care for the Community			
Chairperson	Mr Barry WONG	Mr CHUNG Kong-mo	Ms KO Po-ling Mr Edward LEUNG
Working Group on Ethnic Affairs			
Chairperson	Mr Derek HUNG	Mr Chris IP	Ms WONG Shu-ming Mr WONG Kin-san
Working Group on Community Funds			
Chairperson	Mr HAU Wing-cheong	Mr Edward LEUNG	Ms KO Po-ling Mr WONG Kin-san

Appointment of YTMDC WG Members

68. The Chairman said that paragraph 4 of Paper No. 11/2013 had listed the number of seats for non-DC members of each WG (except the Working Group on Community Funds). The number of seats was allocated according to the number of DC members who had joined the WGs.

69. Members endorsed the proposal on the seat allocation regarding co-opt members in paragraph 4 of Paper No. 11/2013.

70. The Chairman said that since the number of nominees to the Working Group on Promotion of Tourism and Local Community Economy, Working Group on Concern for the Yau Ma Tei Fruit Market, Working Group on Women's Affairs, Working Group on Publicity and Promotion and Working Group on Care for the Community did not exceed the number of seats, all nominees would be returned uncontested. The result was as follows:

Working Group on Promotion of Tourism and Local Community Economy

- (i) Mr TAM Chor-Kin
- (ii) Mrs LEE TAM Yee-lin
- (iii) Mr CHAN Kam-wing
- (iv) Mr CHAIR Sai-sui
- (v) Mr HO Chi-sang

Working Group on Concern for the Yau Ma Tei Fruit Market

- (i) Mr YUEN Sheung-man

- (ii) Mr CHOW Man-chiu

Working Group on Women's Affairs

- (i) Ms KWAN Wan-ying, MH
(ii) Ms CHIU Fung-yi
(iii) Ms HO Yuk-yee

Working Group on Publicity and Promotion

- (i) Mr LEUNG Yiu-wah
(ii) Ms YIP Chun-chun
(iii) Ms FUNG Lai-mei
(iv) Ms KWAN Kwan-fong
(v) Ms LI Fang-fang

Working Group on Care for the Community

- (i) Mr SUM Kui-hui
(ii) Mr TING Siu-kwan
(iii) Mr NG Ming-sun
(iv) Ms PANG Yuet-wah
(v) Mr YIP Siu-hong

71. The Chairman said that the number of nominees to the Working Group on Ethnic Affairs had exceeded the number of seats for the WG, so the appointment had to be decided either by discussion or ballot. Councillors agreed to elect the members by ballot. The Chairman asked the Secretary to distribute ballot papers to Councillors. He reminded Councillors not to choose more than the required number of candidates and to mark their selection with an "X", or else the ballot would be rendered invalid.

72. The Chairman asked Mr Charlson CHIU, Assistant District Officer (Yau Tsim Mong) to monitor the counting process and then announce the result.

73. The Chairman said that the discussion of other items would continue while counting of votes was in progress.

Item 11: Appointment of YTMDC District Activities Organising Committees and Election of Organising Committee Chairpersons (YTMDC Paper No. 12/2013)

Election of YTMDC District Activities Organising Committee Chairpersons

74. The Chairman said that at the YTMDC annual in-house meeting held on 31 January 2013, Councillors endorsed the continued establishment of the following five District Activities Organising Committees (OCs) under the YTMDC in the 2013-2014 year: 1) National Day Celebration Activities Organising Committee; 2) Organising Committee on Promotion of Civic Education; 3) Environmental Improvement Campaign Organising Committee; 4) Building Management Promotion Campaign Organising Committee; and 5) Arts and Culture Co-ordinating Committee. The term of office for each OC was one year.

75. The Chairman asked Councillors to nominate candidates for the Chairpersons of the seven OCs and to cast vote accordingly. The result was as follows:

	Nominee	Nominator	Seconder
National Day Celebration Activities Organising Committee			
Chairperson	Mr CHOW Chun-fai	Mr CHUNG Kong-mo	Mr HAU Wing-cheong

	Nominee	Nominator	Seconded
			Mr HUI Tak-leung
Organising Committee on Promotion of Civic Education			
Chairperson	Mr Edward LEUNG	Mr Benny YEUNG	Mr CHOW Chun-fai Mr HUI Tak-leung
Environmental Improvement Campaign Organising Committee			
Chairperson	Mr Benjamin CHOI	Mr CHUNG Kong-mo	Mr LAU Pak-kei Mr Edward LEUNG
Building Management Promotion Campaign Organising Committee			
Chairperson	Mr WONG Kin-san	Ms WONG Shu-ming	Mr CHAN Siu-tong Ms KWAN Sau-ling
Arts and Culture Co-ordinating Committee			
Chairperson	Mr Chris IP	Mr CHUNG Kong-mo	Mr HAU Wing-cheong Ms WONG Shu-ming

76. The Chairman said that DC members and co-opt members of YTMDC committees could join OCs on their own. Each of the four Area Committees of Yau Tsim Mong would also appoint one person to the OCs. In addition, OCs could appoint appropriate members, and could invite members of the community to join them when actual needs arise.

Item 9: Election of Chairperson of Community Building Committee and Appointment of Co-opt Members of YTMDC Committees (YTMDC Paper No. 10/2013)

Item 10: Appointment of YTMDC WGs, Election of WG Chairpersons and Vice-chairpersons and Appointment of WG Members (YTMDC Paper No. 11/2013)

77. The Chairman said the votes had been counted and declared the elected members as follows:

Appointment of Co-opt Members of YTMDC Committees

Food and Environmental Hygiene Committee

- (i) Ms LAM Wai-lung
- (ii) Mr SHUM Chu-wah
- (iii) Ms CHENG So-ngor
- (iv) Mr CHOI Vai-hung
- (v) Mr HO Siu-tak
- (vi) Mr JO Chun-wah
- (vii) Mr MOK Yuk-kwong
- (viii) Mr LUI Wing-kwong, Vincent

Traffic and Transport Committee

- (i) Mr CHUI Kin-man
- (ii) Mr HUI Hon-man
- (iii) Mr CHAN Sik-ming
- (iv) Mr LAW Siu-hung, Paul
- (v) Mr YIM Kin-ping
- (vi) Mr MAN Cheong-ming, Chris
- (vii) Mr LEUNG Ping-foon
- (viii) Mr LEUNG Shiu-cheong

Community Building Committee

- (i) Mr SIU Hong-ping
- (ii) Ms LEE See-yin, Leticia
- (iii) Mr KONG Pui-wai
- (iv) Mr KO Hiu-wing
- (v) Mr TANG Ho-fung
- (vi) Mr CHIU Sung-bun, Ernest
- (vii) Mr LAU Kai-kit, Vincent

Housing and Building Management Committee

- (i) Mr HO Fei-chi, Stephen
- (ii) Mr CHING Man-tai, Benny MH
- (iii) Mr CHIN Chun-wing
- (iv) Mr LEUNG Hang-fai
- (v) Mr LEE Chung-ming

Appointment of YTMDC WG Members**Working Group on Ethnic Affairs**

- (i) Ms CHEUNG Yee-may, Mimi
- (ii) Mr ALAM DEWAN SAIFUL
- (iii) Mr MOHAMED IBRAMSA SIKKANDER BATCHA
- (iv) Mr LIMBU WANEM INDRA KUMAR
- (v) Mr UVAIS MUHAMMAD NOOHO
- (vi) Mr MOHAN CHUGANI
- (vii) Mr LEE Wing-leung
- (viii) Mr TAHIR NADEEM
- (ix) Ms SUSAN SANOFY

Item 12: Discussion and Resolution on Signature Project Scheme

78. The Chairman welcomed the following representatives to the meeting:

- (a) Mr William NG, Senior Engineer/2, Ms Lilian YU, Senior Landscape Architect/Land Works and Mr WONG Chak-cheong, Inspector of Works of the CEDD;
- (b) Mr Richard Neish, Resident Engineer of ACLA Ltd.;
- (c) Ms Yvonne CHANG, Senior Estate Surveyor/Kowloon Central of the Lands Department (LandsD);
- (d) Mr PANG Tat-wing, District Engineer/Mong Kok and Mr CHAN Chi-chuen, Engineer 2/Project Technical Support of the Highways Department (HyD);
- (e) Mr Simon CHAN, Town Planner/Yau Tsim Mong 2 of the Planning Department (PlanD);
- (f) Mr SZETO Wing-kwok, Senior Environmental Protection Officer (Assessment & Noise) 6 and Mr Francis YEUNG, Senior Environmental Protection Officer (Regional E) 1 of the Environmental Protection Department (EPD);
- (g) Mr CHAN Wai-tak, Senior Engineer/Kowloon District West of the TD;
- (h) Mr CHAN Hon-kwong, District Environmental Hygiene Superintendent (Mong Kok) of the FEHD; and
- (i) Mr Vincent SO, District Leisure Manager (Yau Tsim Mong) of the LCSD.

79. The Chairman said that at the 1st Special Meeting held on 20 February 2013, the

YTMDC had started to discuss the five proposals on the “Signature Project Scheme” (SPS) submitted by Councillors. He asked Councillors whether they agreed to let the YTMDO and relevant government departments speak on the five proposals first. There was no objection to the suggestion.

80. Ms Betty HO said that all of the five proposals submitted by Councillors reflected the demands of the local community, but she hoped that Councillors understand it might not be possible for all proposals to be implemented under the SPS. Nevertheless, the YTMDO and the relevant government departments would continue to follow up on the projects suggested by Councillors within the scope of district minor works (DMW) or the Government’s routine work.

(Mr Barry WONG joined the meeting at 4:07 pm.)

81. Ms Betty Ho said that the PlanD had submitted amendments to the “Tsim Sha Tsui Outline Zoning Plan” under Proposal 1 to the Town Planning Board (TPB). The department suggested that the site of the Middle Road Multi-storey Car Park should be re-zoned from “Government, Institution or Community” (G/IC) use to commercial use. The relevant draft outline zoning plan (OZP) was exhibited for public inspection until 11 March. During the plan exhibition period, the public could submit their comments to the TPB on the proposed amendments to the draft OZP. The PlanD would submit the consolidated comments to the TPB for it to consider and decide whether the proposed amendments would be adopted. The YTMDO, therefore, could not inform Councillors whether it could reserve space for a community hall in the redeveloped buildings in the Middle Road car park site. In addition, according to the information provided by the Home Affairs Department (HAD), the construction cost of a community hall (that can accommodate 400 people) with an area of about 15 000 square feet would be around \$100 million. Rise in construction costs and inflation had not been factored in the calculation. She was worried that the budget would go over \$100 million if Proposal 1 was incorporated into the SPS.

82. As regards Proposal 2, Ms Betty Ho said that the CEDD had already completed greening works in the district according to the “Greening Master Plans” for Mong Kok, Yau Ma Tei and Tsim Sha Tsui. She pointed out that the central medians of some roads were less than one metre wide or were installed with railings, or simply were not installed on the roads. In those cases, greening works would be difficult. She welcomed views from Councillors to improve the greening zones in the district, and said that the YTMDO would follow up the suggestions with the departments concerned.

83. Mr William NG added that the CEDD had carried out greening works in the YTM District in September 2007 and December 2009, and that the CEDD was currently responsible for the repair and maintenance of the greening zones in the district. From June 2013 onwards, the LCSD would take over the work. He also added that when the CEDD designed the greening zones in the district, it had consulted the public and local community and had considered factors such as nearby environment and traffic conditions. He stressed that it would be difficult to carry out greening works if the central medians of roads were not wide enough.

84. Regarding the suggestion on greening of open space under flyovers under Proposal 2, Ms Betty Ho responded as follows:

- (i) The open space underneath the Prince Edward Road West Flyover was currently allocated to the FEHD for use as a warehouse. The YTMDO would later ask the FEHD whether the open space could be used for greening.
- (ii) The “Ocean World” project underneath the Tai Kok Tsui Road Flyover was launched under the “DMW Programme”. She proposed to continue optimising the project by DMW funds.

- (iii) The HyD had set aside the space underneath the flyover at the section of West Kowloon Corridor near northbound Ferry Street towards Cherry Street Park for use as a construction site for barrier-free facilities. The YTMDC could discuss with the HyD the feasibility of greening the open space underneath the section of the flyover only after the works had completed.
- (iv) It would be difficult to carry out greening works if the open space underneath the flyover had already been allocated to government departments for special purposes, or if headroom clearance under the flyover was too low (such as the space under the flyover at the section of West Kowloon Corridor near northbound Ferry Street towards Cherry Street Park), or if there was a lack of sunshine underneath the flyover (such as the flyover opposite to No. 73-79 Lai Chi Kok Road), or if the area underneath the flyover was used as a pedestrian crossing (such as the flyover opposite to the Kowloon Funeral Parlour at No. 199 Tai Kok Tsui Road), or if the space underneath the flyover was too small (such as the flyover near Kei Tsun Primary School at Tai Kok Tsui Road).

85. Mr PANG Tat-wing said that the HyD's application of paint on structures of subways and flyovers was for the protection of the concrete surface of structures, but not for beautification purposes. Any requests on beautification of subways or flyovers from the public or government departments, including painting for the purpose of beautifying the appearance of structures, would be reviewed by the HyD, taking into consideration whether the proposed works would make maintenance more difficult or increase maintenance costs. In addition, such beautification proposals must be approved by the Advisory Committee on the Appearance of Bridges and Associated Structures. He added that if the proposed works was too fancy, it might increase the difficulty of general maintenance work. Regarding the proposal on enhancing lighting in subways, the Lighting Division of the HyD regularly deployed staff members to inspect subways in the district. If any subways were found to have insufficient lighting, the department would arrange for provision of additional lighting. He also said that out of the 19 subways in the YTM District, four had already been provided with barrier-free accesses. The HyD planned to provide lifts in six subways. It had earlier conducted a feasibility study on the provision of lifts in another four subways, but it was found to be technically infeasible. Regarding the five remaining subways in the district, the HyD had no plans to install lifts there since pedestrian ramps were already provided.

86. Ms Betty HO said that the construction of noise barriers to reduce railway noise under Proposal 3 was actually the responsibility of the MTR Corporation (MTRC). It would be difficult for the Government to use the \$100 million allocated under the SPS for the relevant construction works. Nevertheless, the YTMDO and relevant departments would still continue to request the MTRC to consider providing noise barriers at appropriate locations along the open track of the East Rail Line, so as to mitigate railway noise.

87. Mr SZETO Wing-kwok had the following preliminary views about Proposal 3:

- (i) The Government's policy was to study, where practicable, the feasibility of adopting direct noise mitigation measures on existing roads with high traffic noise levels. The measures included retrofitting noise barriers or using low noise materials to minimise the impact of traffic noise.
- (ii) The Government had to consider many factors in determining if noise barriers were to be provided, including whether the proposed noise barriers would hinder fire-fighting work or undermine road safety, or whether there was adequate structural capability for the sections of flyovers or adequate space under flyovers for the retrofitting of noise barriers.
- (iii) The EPD and HyD had studied the feasibility of providing noise barriers at

the section of West Kowloon Corridor at the Tai Kok Tsui Road Flyover, Prince Edward Road West Flyover and the Ferry Street section of Gascoigne Road Flyover, but had found it to be technically infeasible.

88. Mr PANG Tat-wing responded that since 2012, the HyD had started to resurface in phases the West Kowloon Corridor with low noise materials. The resurfacing works at Chui Yu Road to Prince Edward Road West was completed in March 2012. Later, the section of Tai Kok Tsui Road Flyover near Tong Mi Road was resurfaced in September 2012. It was expected that the road resurfacing works at Tai Kok Tsui Road Flyover would complete in April 2013, while similar works at Ferry Street Flyover would be launched in the 2013-2014 year.

89. Mr Vincent SO said that the LCSD had an open attitude towards Proposal 4 regarding the provision of regular sitting-out facilities in the greening zone under the West Kowloon Corridor Flyover. He, however, pointed out that the greening zone might not be ideal for recreational use as it was close to the trunk road of the district. In addition, there was already a park near the greening zone. Even if regular sitting-out facilities were provided in the greening zone, the utilisation rate of the facilities might not be high.

90. Ms Betty HO had the following replies on Proposal 4 regarding the use of the space underneath flyovers:

- (i) The space underneath flyovers must have an area of at least 10 000 square feet for it to be cost-effective.
- (ii) The headroom clearance under the flyover must not be too low. A clearance of at least the height of a container was needed.
- (iii) The space under flyovers must be accessible by footpaths.
- (iv) The space underneath the flyover proposed for development must not have been allocated for use by government departments.
- (v) There were three open spaces currently available under flyovers with a relatively large area. The first one was located under the section of the Ferry Street Flyover near Yau Ma Tei Fruit Market and Prosperous Garden. The space covered an area was about 45 000 square feet and was accessible by footpaths nearby. During 12 am to 6 am, that open space was used as a discharge area for the fruit market. The LandsD was currently processing an application from street traders of the fruit market to use the space as a temporary shelf storage yard. The second open space under a flyover with a large area was located at Austin Road West near the International Commerce Centre. It covered an area of about 15 000 square feet and was also accessible by footpaths nearby. From 2014 to 2017, the land would be used as a works site for road improvement works of the HyD. The third open space was located at the section of the Waterloo Road Flyover near Lin Cheung Road. However, the open space was not accessible by footpaths, so revitalisation was not feasible.
- (vi) According to HAD's guidelines, a project could be implemented under the SPS only if the project could not be launched as a DMW due to its relative large scale or overly high cost, or if there were no dedicated government departments to follow up on the project. Since the District Facilities Management Committee (DFMC) had earlier endorsed the construction of a pet garden and a model car circuit ground under the Ferry Street Flyover, she suggested that Councillors continue to let the DFMC follow up the two works project under the DMW Programme.

91. Regarding Proposal 5, Ms Betty HO suggested that Councillors consider using the

Battery Street Sitting-out Area to hold activities for promoting community harmony. The sitting-out area covered an area of about 4 000 square feet and was currently set up with a small number of stone benches, plants and facilities for children. Since most residents used the adjacent Saigon Street Playground which was larger, the utilisation rate of the Battery Street Sitting-out Area had always been low and only ethnic minorities would gather there. To optimise the use of social resources, the YTMDO suggested that Councillors consider the establishment of a venue to promote community harmony at the Battery Street Sitting-out Area. It was believed that the suggestion would not affect the public using Saigon Street Playground. If Councillors approved of the site selection, the YTMDO would consult the LCSD. If the LCSD agreed to change the sitting-out area into an activity venue for the promotion of community harmony, the departments concerned would apply to the TPB to convert the public space into a cultural and leisure space for public use.

92. The Chairman asked Ms Betty HO to clarify: 1) whether Councillors had to resolve to implement the five proposals submitted by them and identify suitable sites at the current meeting; 2) whether Councillors had to resolve the number of SPS projects to be implemented in the district at the current meeting; and 3) the process of the implementation of SPS projects.

93. Ms Betty HO responded as follows:

- (i) At the current meeting, Councillors could discuss whether or not to include a certain proposal or parts of a proposal into the SPS. Suggested projects which were not incorporated into the SPS could be included as a government regular item or DMW.
- (ii) Councillors could choose to implement one to two SPS projects in the district, but the scale had to be larger than that of DMW. The SPS projects of each district were subject to an upper limit of \$100 million and a lower limit of \$30 million.
- (iii) SPS projects must address the needs and highlight the characteristics of the YTM District.
- (iv) The YTMDC must submit preliminary proposals on the district's SPS to the HAD. The YTMDO would help the YTMDC prepare the Project Definition Statement, stating the details, site options and purpose of the SPS project to facilitate the HAD in commissioning a consultant to estimate the cost of the works and to design the works for the Legislative Council's consideration.

94. Mr Chris IP thought that the YTMDO seemed to be biased in the discussion of that item. He did not understand why the YTMDO, while indicating that it was inappropriate to make the proposed community centre for the exclusive use of ethnic minorities, proposed to develop the Battery Street Sitting-out Area where ethnic minorities usually gathered into an activity centre to boost community harmony. In addition, he was dissatisfied that the DO had suggested the Battery Street Sitting-out Area as the site for the venue for community harmony without conducting any consultation exercise.

95. Mr Edward LEUNG was dissatisfied that government departments had set too many restrictions on the SPS. He pointed out that the Government should make use of the SPS to green and beautify flyovers and to optimise the utilisation of open space under flyovers in the district.

96. Mr Benny YEUNG said that the SPS was an innovative programme, so he hoped that the government departments could also implement such a programme with innovative thinking. He added that he had just contacted street traders of the Yau Ma Tei Fruit Market and was informed of their intention to withdraw their application to the LandsD for leasing the open

space under the Ferry Street Flyover. He therefore hoped that the YTMDO would continue to follow up on the development suggestions.

97. Mr CHOW Chun-fai said there were too many restrictions on which projects could be included and followed up in the SPS. He would like to know whether Councillors must make a resolution on the various proposals at the current meeting. He also asked whether the suggestion to beautify all the subways, footbridges and flyovers in YTM District under Proposal 2 would be regarded as an SPS project which would be subject to a construction cost of a lower limit of \$30 million, or whether the beautification of each subway or flyover would be regarded as an individual SPS project, which would be subject to the same lower limit of \$30 million.

98. Mr CHAN Wai-keung said that the SPS had just been announced by the Chief Executive in his Policy Address in January 2013. It had only been one to two weeks since YTMDC members had put forward the five proposals. It would be rather hasty if Councillors vote on the proposals at the current meeting. Moreover, the YTMDO and Councillors might not have sufficient time to carry out a local consultation. He then asked whether there were safety concerns on setting up leisure facilities underneath flyovers for public use, and was worried whether problems such as water dripping, traffic noise and air pollution would arise.

99. Mr Barry WONG believed that establishing an activity centre for community harmony at the Battery Street Sitting-out Area could best address the needs of the community. He would like to know when the decision would be made if Councillors did not make a resolution on the various proposals at the current meeting, and asked whether the YTMDC would still need to conduct a local consultation on the proposal voted by Councillors.

100. Mr WONG Kin-san was dissatisfied that government departments had not prepared a written reply on the technical feasibility and construction costs of the various proposals. He pointed out that the aim of the current meeting was to discuss the five proposals submitted by Councillors, but the hard copies of the proposals were not tabled at the meeting. He believed that it was not the usual practice of general meetings and requested all discussion on the SPS be terminated immediately.

101. Mr HAU Wing-cheong supported Proposal 5 as he believed that the Proposal made the most effective use of social resources. He noted that the YTMDO would follow up on Proposal 1, but the cost of constructing a community hall would exceed \$100 million. In addition, due to technical problems, the Government could no longer follow up on Proposal 3. As for Proposals 2 and 4, he understood that the construction costs of individual subways, footbridges and flyovers could hardly reach the lower limit of \$30 million.

102. Mr CHAN Siu-tong said that the usual practice of the DFMC was to conduct a local consultation after Councillors had agreed to embark on a certain project. If it was discovered during the consultation that the public had different views, the DFMC could consider another site based on the views. He added that he hoped the YTMDO would also consider the former site of the Soy Street Cooked Food Market at Mong Kok and the space underneath Ferry Street Flyover (near Yau Ma Tei Fruit Market and Prosperous Garden) as sites for the SPS.

103. Mr Derek HUNG did not think that the YTMDO was trying to guide Councillors to accept a plan which it believed was feasible. He added that ethnic minorities in the district had always reflected to Mr CHAN Siu-tong and him that the district lacked an activity centre. He also said that under the SPS, each district would only receive funding of \$100 million, so the Council could only choose to implement one to two SPS projects.

104. Mr HUI Tak-leung said that the five proposals reflected the demands Councillors had strived for many years, so he hoped that government departments could proactively respond to

the proposal. He added that the former site of the Soy Street Cooked Food Market and the former office of the Water Supplies Department (WSD) at the junction of Shanghai Street and Dundas Street had been left idle for many years, so the YTMDO could consider the two sites as the activity centre for community harmony. In addition, he hoped that Councillors would not abstain from voting on the item as he thought that was a sign of lack of commitment.

105. Mr Chris IP hoped that the YTMDO would review the use of the space underneath the Ferry Street Flyover (near Yau Ma Tei Fruit Market and Prosperous Garden). He said that Councillors could consider using the \$100 million of the SPS funds to simultaneously initiate Proposals 2, 4 and 5. He stressed that Proposals 2 and 4 would definitely be able to improve and enhance the appearance and community environment of YTM District, so he suggested that Councillors consider initiating the two proposals under the SPS.

106. Mr Benny YEUNG asked the YTMDO to clarify whether the number of sites for SPS projects had to be limited to one only. He hoped that the departments concerned would let the public understand that the SPS was a joint scheme between the Government and the YTMDC.

107. Ms KWAN Sau-ling opined that the construction of just a superstructure or activity room at the Battery Street Sitting-out Area would not be able to meet the aim of promoting community harmony.

108. Ms Betty HO responded as follows:

- (i) The YTMDO was not inclined to support any proposal. She simply explained the limitations of each proposal and whether the proposals met the principles of the SPS according to the actual situation.
- (ii) She noted Mr Benny YEUNG's report that the street traders of Yau Ma Tei Fruit Market had withdrawn the application to the LandsD for leasing the open space under Ferry Street Flyover near the fruit market, and said that the YTMDO would continue to follow up development matters of the open space with the LandsD. She added that the site covered a relatively large area, was accessible by footpaths and no other departments were currently applying to use the land, so the open space was actually a feasible site. In addition, it was necessary to first carry out site formation works before the land could be developed. The financial cost of developing the land might exceed \$30 million, which would meet the lower limit requirement of the SPS.
- (iii) According to the "Hong Kong Planning Standards and Guidelines", it would not be suitable to use the space beneath flyovers for residential housing, schools, hospitals, clinics, filling stations, restaurants, industrial undertakings, supermarkets or wholesale markets. In addition, subject to approval by the PlanD, the space beneath flyovers could be used as libraries, cinemas, refuse transfer stations, showrooms, temporary markets or outdoor leisure facilities, etc. If parking spaces, taxi stands, public light bus stands, newspaper stands or plants were to be provided beneath flyovers, there would be no need to submit an application to the PlanD.
- (iv) The floor area of the former Soy Street Cooked Food Market was approximately 6 500 square feet. When Councillors discussed the latest developments of the space with the PlanD, they would be able to decide if the space could be used as the site for the activity centre for community harmony.
- (v) The YTMDO did not have information on the former WSD office at Shanghai Street/Dundas Street on hand. She would later supplement information on the feasibility of using the site for the development of the

SPS.

- (vi) SPS projects could be works or non-works in nature. The former referred to projects which involved construction work and involved a definite site.
- (vii) Regardless of whether the YTMDC initiated an SPS project with a works or non-works nature, the YTMDO would still have to elaborate on the SPS project chosen by the YTMDC to the Finance Committee of the Legislative Council for funding approval.
- (viii) If the public space at the Battery Street Sitting-out Area was to be converted into a public facility, the departments concerned must submit an application to the TPB. The case was different from the Metro Harbour View Owners' Corporation's requests to waive the estate from opening up its podium gardens for public use. However, it was necessary to submit an application to the TPB in both situations.
- (ix) As the proponent of the SPS, the YTMDC could decide whether or not to select a proposal at the current meeting.

109. The Chairman said that as Mr WONG Kin-san had moved a provisional motion at the meeting to terminate the discussion on the item, he asked if there were Councillors who seconded the motion. He also asked the Secretariat whether Mr WONG's proposal of the motion complied with the "YTMDC Standing Orders".

110. The Secretary replied that according to Article 16 of the "YTMDC Standing Orders", a motion must be proposed in writing and signed by the movers before it could be discussed. The topic and content of the motion should not come into conflict with the duties of the YTMDC. In addition, unless the consent of the YTMDC Chairman was obtained in advance, Councillors who wished to move a motion at an YTMDC meeting must notify the Secretary 10 net working days prior to the meeting. Since Mr WONG Kin-san did not move the motion 10 net working days before the meeting, the Chairman must decide if Mr WONG was allowed to move a provisional motion.

111. Mr Chris IP suggested that Members should continue to discuss the item and should try their best to reach a consensus at the current meeting.

112. Mr WONG Kin-san reiterated that since the government departments had not explained in writing why Councillors' proposals were not feasible, he moved a motion of immediately terminating discussion on the item and strongly requested the relevant departments to provide detailed information on the five proposals in writing at the next meeting.

113. Mr CHAN Wai-keung was dissatisfied that the YTMDO had not uploaded the five proposals on the SPS onto the YTMDC website. He thought that the practice was not transparent enough, so he seconded Mr WONG Kin-san's motion.

114. Mr Chris IP was of the view that Councillors should reach a consensus on the five proposals at the current meeting, and then started a detailed discussion on the selected proposals at the DFMC meeting.

115. Mr Benny YEUNG said that Councillors should try to express their views to the representatives of government departments at the meeting, so that they could gather more information for a response. That would be more constructive than terminating the discussion on the item.

116. The Chairman asked Councillors if they agreed to terminate the discussion on the item. Mr WONG Kin-san, Mr CHAN Wai-keung and Mr John WONG agreed; the Chairman, Mr

CHOW Chun-fai, Mr HAU Wing-cheong, Mr Edward LEUNG, Mr Benny YEUNG, Mr HUI Tak-leung, Mr CHAN Siu-tong, Mr Chris IP, Mr Barry WONG, Mr Benjamin CHOI, Mr LAU Pak-kei and Mr Francis CHONG disagreed. The Chairman declared that three Councillors voted for and 12 Councillors voted against the motion. He declared that the motion was negated and the discussion would continue.

117. Mr Benny YEUNG hoped that the Government would build a community hall in the YTM District as soon as possible, but thought that the YTMDO could also follow up the request outside the scope of the SPS.

118. Mr Chris IP hoped that the YTMDO could identify suitable locations to build one to two community halls in the first half of 2013, so as to accede to the demands of residents.

(Mr Derek HUNG left the meeting at 5:59 pm.)

119. Ms KWAN Sau-ling thanked the YTMDO's commitment to provide additional community halls in the district.

120. Mr WONG Kin-san requested the government departments to provide detailed information on Proposal 3 in writing at the next meeting. He reiterated that since the relevant departments were unable to provide detailed information on the various proposals at the current meeting, it was actually not necessary to continue discussing the item.

(Mr WONG Kin-san left the meeting at 6:05 pm.)

121. Mr CHOW Chun-fai again stated that the cost of each SPS project was subject to a lower limit of \$30 million. He would like to know whether the suggestions of beautifying subways, footbridges and flyovers in the district under Proposal 2 would be deemed as one single SPS project, or if the beautification of each subway or flyover would be counted as an SPS project with each project subject to a lower limit of \$30 million. He thought that if the Advisory Committee on the Appearance of Bridges and Associated Structures could arrange for the beautification of flyovers and subways in the district, then the YTMDC would not need to use the \$100 million of SPS funds to carry out similar works. In addition, there was no pressing need for the YTMDC to vote on the various proposals at the current meeting.

122. Mr Benny YEUNG requested the YTMDO to try its best to green, beautify and improve all subways, flyovers and subways in the district. He also said that he supported Proposals 2, 4 and 5, and hoped that the proposals could be followed up under the SPS.

123. The Chairman said that Proposal 4 on "Utilisation and Beautification of Empty Space Under Flyovers" was in line with the long-term demands of residents. Since the cost of each SPS project was subject to a lower limit of \$30 million, he was worried that none of the suggestions under Proposal 4 would meet the requirement.

124. Mr Edward LEUNG said that the cost required to initiate the projects at individual sites might not meet the lower limit requirement of \$30 million. He added that while the concept of Proposal 5 was good, the operation of the future activity centre for community harmony had to be planned early, and that it was not easy to finalise the arrangements.

(Mr Francis CHONG left the meeting at 6:12 pm.)

125. The Vice-chairman proposed setting up an activity room in the district to boost community harmony. She also said that Councillors should not recklessly vote on the SPS.

126. Ms WONG Shu-ming shared the Vice-chairman's view of promoting community harmony through the SPS, and suggested that two centres could be set up in the district to promote the concept. In addition, she asked Councillors to note that the YTMDC had to reserve a provision of \$10 million out of the \$100 million allocated for the SPS to carry out publicity programmes of the SPS.

127. Mr John WONG asked whether Councillors must resolve the five proposals by voting before a certain deadline if the YTMDC decided not to do so at the current meeting. He also requested the government departments to provide more detailed information to Councillors at the next meeting.

128. The Vice-chairman said that the item under discussion was "Discussion and Resolution on Signature Project Scheme". She asked if it was possible to only discuss the item at the meeting without voting on it.

129. The Secretary said it was not stipulated in the "YTMDC Standing Orders" that Councillors must vote on an item under such a heading, thus the Council could make its own decision on whether or not to resolve the item.

130. Mr HUI Tak-leung opined that Councillors should seek to reach a consensus on the various proposals at the current meeting, so that representatives of departments could collect more information and present more specific information at the next meeting.

131. Mr Benny YEUNG said that Proposal 5 had covered all the suggestions made by the Vice-chairman, and Proposals 2 and 4 could improve the overall environment of the district. He therefore hoped that the YTMDO could help to implement Proposals 2, 4 and 5 for the YTMDC.

(Mr HAU Wing-cheong left the meeting at 6:24 pm.)

132. Mr CHAN Siu-tong suggested that Councillors should screen the proposals at the current meeting so that representatives of departments could respond with more specific opinions at the next meeting to facilitate voting by the YTMDC.

133. Mr Barry WONG thought that Councillors generally supported Proposals 2, 4 and 5. He requested that the YTMDC vote on all five proposals so that representatives of departments could focus on studying the feasibility of the three proposals.

134. The Vice-chairman also thought that Councillors were generally in favour of Proposals 2, 4 and 5, but she thought that Councillors must discuss whether to implement one or two SPS projects. In addition, she agreed that Councillors should vote on all proposals at the current meeting.

135. Mr Chris IP said that if Councillors generally supported proposals 2, 4 and 5, then discussion at the next meeting could be focused on site selection and other details.

136. Mr CHAN Siu-tong stressed that the YTMDC must first resolve the SPS projects before forwarding the proposals to the DFMC for discussion of details.

137. Mr John WONG asked what the YTMDC should do to show that Councillors had selected proposals 2, 4 and 5 for in-depth discussion out of the five proposals.

138. Mr Benny YEUNG thought that department representatives could collect more detailed information on proposals 2, 4 and 5 and report on them at the next meeting.

139. The Chairman asked Councillors whether they supported proposals 2, 4 and 5, or whether they agreed to combine the three proposals into one.

140. Mr HUI Tak-leung pointed out that the YTMDC must follow formal procedures to pass a resolution on the selected proposals.

141. Ms Betty HO responded as follows:

- (i) She asked Councillors to clearly indicate whether they hoped government departments to follow up on Proposals 1 and 3 under the SPS.
- (ii) It might not be possible to implement all the suggestions made in Proposals 2, 4 and 5 (including a pet garden and a model car circuit ground under the Ferry Street Flyover).
- (iii) She would explore the ways to bring out the message of community harmony through the beautification and greening of subways, footbridges and flyovers in the district.
- (iv) She would like to know Councillors' views on the proposed use of the space beneath flyovers to facilitate the YTMDO in continuing its study on the revitalisation of the space beneath flyovers.

142. Mr Edward LEUNG believed that the YTMDC should decide on a SPS project by voting. He said that Councillors had indicated their decision to continue discussion on the item in response to Mr WONG Kin-san's motion, but not to vote on a resolution. It would therefore be inappropriate for Councillors to vote at the meeting. He also said that it would be difficult to combine Proposals 2, 4 and 5.

143. Mr Benny YEUNG also thought that it would be difficult to completely merge Proposals 2, 4 and 5.

144. The Chairman said that the item was "Discussion and Resolution on Signature Project Scheme". Since Councillors had already resolved to continue the discussion on the item, they could vote on the proposal at the meeting as well.

145. Mr Barry WONG thought that government departments need not follow up on Proposals 1 and 3 under the SPS; but the department should continue to follow up on these two proposals outside the context of the SPS. In addition, he thought that after discussion, Councillors had generally adopted Proposals 2, 4 and 5 as SPS projects, so it would be possible to vote on the proposals.

146. Mr Chris IP said the West Kowloon Cultural District would be located in the YTM District. For that reason, in addition to converting the land beneath flyovers into leisure grounds and greening zones, Councillors could also consider making the space underneath flyovers a cultural and arts area for artists or performers to use for performances.

147. Ms WONG Shu-ming hoped that representatives of departments would provide a written account on the feasibility and technical problems of the five proposals submitted by Councillors. She also hoped that Councillors would initiate Proposals 2, 4 and 5 with the theme of community harmony.

148. The Chairman asked Councillors to cast their votes on whether to adopt Proposals 2, 4 and 5 as SPS projects. The result was as follows: The Chairman, the Vice-chairman, Mr CHOW Chun-fai, Mr Edward LEUNG, Mr Benny YEUNG, Mr HUI Tak-leung, Ms WONG Shu-ming, Mr CHAN Siu-tong, Mr Chris IP, Mr LAU Pak-kei, Mr Barry WONG, Mr HAU

Wing-cheong (authorised Mr CHAN Siu-tong to vote on his behalf) and Mr Derek HUNG (authorised Mr CHAN Siu-tong to vote on his behalf) agreed; Ms KWAN Sau-ling, Mr CHAN Wai-keung and Mr John WONG abstained from voting. The Chairman declared that 13 Councillors voted for, no Councillors voted against the proposal and three Councillors abstained. He declared that the proposal was passed. The feasibility of implementing Proposals 2, 4 and 5 under the SPS would be further explored.

149. The Chairman would like to know whether Councillors agreed to let the YTMDC follow up and monitor the SPS or to entrust the scheme with the DFMC or another separately established committee.

150. Mr CHAN Siu-tong thought that it would be appropriate to forward the SPS projects to the DFMC for follow-up and monitoring only after the YTMDC had made a final decision.

151. The Chairman suggested the discussion on the item be continued at the next meeting. There was no objection to the suggestion. He then closed the discussion on the item.

(Mr Barry WONG left the meeting at 6:55 pm.)

**Item 13: Members of Public Can't Help Sighing about Ineffective Ordinances
 against Street Obstruction
 (YTMDC Paper No. 13/2013)**

152. The Chairman said that the written response (Annex 3) jointly prepared by the Food and Health Bureau (FHB) and the FEHD had been distributed to Councillors for perusal before the meeting. He then welcomed the following representatives to the meeting:

- (a) Mr CHAN Hoi-sing, Principal Estate Officer/Kowloon West (South) and Mr LUK Kwok-po, Chief Estate Officer/Kowloon of the LandsD;
- (b) Mr Duncan Stuart MCCOSH, District Commander (Mong Kok) and Mr YU Tat-chung, District Commander (Yau Tsim) of the HKPF;
- (c) Mr CHAN Hon-kwong, District Environmental Hygiene Superintendent (Mong Kok) and Mr WONG Kam-wah, District Environmental Hygiene Superintendent (Yau Tsim) of the FEHD; and
- (d) Ms Betty HO, District Officer (Yau Tsim Mong)

153. Ms WONG Shu-ming supplemented the paper with some additional information. She was dissatisfied with the FHB and FEHD's joint written response.

(Mr Benny YEUNG left the meeting at 7 pm.)

154. Mr CHAN Hon-kwong said that the unauthorised extension of business was a street management issue that fell within the purview of a number of government departments. The core duty of the FEHD was to maintain environmental hygiene. Hence it accorded priority to handling cases causing obstruction to scavenging operations or cases relating to food premises' unauthorised extensions of business, and would take enforcement actions in the light of the actual situation. If food premises were found to have occupied public space illegally, the FEHD would institute prosecutions and would register a corresponding number of demerit points in respect of the offence against the food premises according to the existing demerit points system for licensed food premises. Once the number of demerit points registered against a food premises were accumulated to a prescribed level, the licence of the food premises would be suspended or cancelled. He stressed that the FEHD would continue to rigorously enforce existing laws and policies.

155. Mr Duncan Stuart MCCOSH said that the Police was concerned about the obstruction of roads caused by the improper disposal of construction wastes. He pointed out that the problem was particularly serious at Reclamation Street and that the Police would work closely with the FEHD to combat the irregularity. In addition to issuing summons to persons who improperly disposed of construction wastes, the Police would also provide photographic evidence to the court to show the severity of such violations for its consideration of sentence.

156. Mr HUI Tak-leung pointed out that Councillors had repeatedly submitted papers to the YTMDC and the committees under the YTMDC to urge the departments concerned to resolve the problem of unauthorised extension of business. The FEHD, Police and LandsD, however, had failed to improve the relevant situation over the years. He suggested that frontline police officers on patrol should immediately dissuade shop operators from illegally extending their business areas in order to prevent street obstruction.

157. The Hon James TO believed that the existing penalties were too light that it was not effective in deterring food business operators from obstructing the street. He suggested increasing the penalty, for example, to determine the level of fines according to the rent per square foot of the food premises. He also said that he had reflected the problem to policy secretaries, but no action had been taken so far.

158. The Chairman said that Councillors had repeatedly brought the matter of unauthorised extension of business to Legislative Councillors' attention during their annual meetings, but Councillors' efforts were in vain.

159. Ms WONG Shu-ming was dissatisfied that the FEHD had failed to deal with the existing loopholes in the relevant legislation, which made it difficult to enforce the law. She thought that the FEHD should reflect to the relevant departments the need to amend the Summary Offences Ordinance and Public Health and Municipal Services Ordinance. Moreover, government officials should conduct site visits to fully understand the severity of the problem.

160. Mr LAU Pak-kei said that prior to legislative amendments, the FEHD must increase the frequency of inspections to discourage shops from extending business areas that caused street obstruction. He also pointed out that the street obstruction problem caused by shops/food premises at Tai Kok Tsui Road, Fuk Tsun Street and Pine Street was very serious.

161. The Vice-chairman agreed that the Government must amend the law and increase the penalty to achieve a deterrent effect. She cited drink driving as an example in which the number of offenders decreased drastically after the penalty had been increased.

(Mr CHOW Chun-fai left the meeting at 7:15 pm.)

162. Mr Edward LEUNG pointed out that food premises usually evaded the penalty of suspension of licence by changing the licensee or applying for an appeal to the Municipal Services Appeals Board. In addition, he found it unfair under the existing law of not to impose penalties on food premises according to the severity of street obstruction.

163. The Chairman said that food premises often brought an appeal to the Municipal Services Appeals Board merely for the purpose of delay in the hope of escaping licence suspension penalty. He urged the FEHD to increase the frequency of inspections, especially at blackspots of street obstruction. He also suggested an unlimited number of registering demerit points against food premises restaurants that had repeatedly violated the law within a certain period of time. That would increase their operating costs and thus achieve a deterrent effect.

164. Mr CHAN Hon-kwong responded as follows:

- (i) After the FEHD had issued suspension orders to food premises convicted of the offence, it would send officers to inspect the restaurant from time to time during the suspension period. If the relevant restaurant was found to be operating as usual, the department would immediately institute a prosecution and cancel the licence of the restaurant in accordance with the established mechanism.
- (ii) The licensee of a food premises could appeal to the Licensing Appeals Board and the Municipal Services Appeals Board in respect of the suspension penalty. The FEHD, when dealing with recalcitrant offenders, could consider or recommend the former not to stay execution of the suspension penalty before a ruling was made.
- (iii) Regarding some cases in which the penalties were considered to be too lenient, the FEHD had consulted the Department of Justice about whether there were sufficient grounds for an appeal.
- (iv) As regards food premises that had repeatedly caused street obstruction or had caused more serious street obstruction, the FEHD would provide the court with information such as the area of unauthorised extension of business, the number of complaints received and the sum of fines, etc. as factors of consideration of sentences.
- (v) The FEHD would thoroughly consider the actual situations of the various food premises that had caused street obstruction in the district and make appropriate arrangements in deploying staff members and resources to carry out blitz operations to combat violations.

165. Mr Edward LEUNG urged the FEHD to step up the inspection of food premises with records of serious offence to achieve a deterrent effect.

166. Mr HUI Tak-leung hoped that the FEHD would enhance communication with Councillors on street management issues so that Councillors could better understand the policy objectives and short-term and long-term measures of the FEHD in handling street obstructions caused by shops/food premises.

167. Mr YU Tat-chung added that the Police had, in conjunction with the FEHD, LandsD and YTMDC members, visited blackspots of street obstruction caused by shops/food premises. They had verbally advised shop operators or issued advisory letters to them, requesting them to be self-compliant and refrain from obstructing the street. He added that he would remind frontline police officers to dissuade shop operators from illegally extending their business areas or to take enforcement actions against them during daily patrol.

168. There being no other comments, the Chairman closed the discussion on the item.

Item 14: Onus Should Be on the Police to Get Rid of Unlicensed Upstairs Bars (YTMDC Paper No. 14/2013)

169. The Chairman said that the written response (Annex 4) jointly prepared by the FEHD and the Liquor Licensing Board (LLB) had been distributed to Councillors for perusal before the meeting. He then welcomed Mr Duncan Stuart MCCOSH, District Commander (Mong Kok) and Mr YU Tat-chung, District Commander (Yau Tsim) of the HKPF to the meeting.

170. Mr CHAN Wai-keung asked the Police whether they had taken law enforcement actions against persons who patronised unlicensed upstairs bars.

171. Mr YU Tat-chung said that according to the records of Yau Tsim District and Mong

Kok District, the Police had not prosecuted any patrons of unlicensed upstairs bars. The Police's practice was to bring such persons back to the police station for investigation, give them a warning and then release them.

172. Mr Duncan Stuart MCCOSH confirmed that the Police had never prosecuted any persons who had patronised unlicensed upstairs bars in Mong Kok District. He stressed that the Police's actions were taken against operators, not customers of unlicensed upstairs bars.

173. Ms KWAN Sau-ling said that strengthened publicity was crucial to combatting unlicensed upstairs bars. For example, she pointed out that the Yau Tsim District had held a seminar on upstairs bars on 22 February 2013 to educate the public on how to identify unlicensed bars. At the same time, the seminar could foster public awareness of drug abuse in bars, so as to call upon the public to report unlicensed upstairs bars.

174. Mr Chris IP pointed out that one of LLB's licensing conditions in issuing liquor licences is that the licensee should display the licence at a conspicuous place for public review. He also said that the public currently had adequate access to information on liquor-licensed premises. In addition, he thought that when the Police inspected licensed premises, it should check if the number of persons on the premises had exceeded the number permitted and if there were cases of drug abuse and smoking.

175. Mr Edward LEUNG thought that the Police should keep an eye on the selling of alcoholic drinks to persons under the age of 18 at licensed and unlicensed premises. In addition, he suggested the Police carry out more undercover operations to combat unlicensed upstairs bars and pay close attention to problems such as drug abuse, sexual transaction in those bars.

176. Mr Duncan Stuart MCCOSH said the Police would crack down on unlicensed upstairs bars in the district and the various crimes arising from such premises. The Police would pay special attention to crimes involving youngsters. He stressed that the Police would continue to take action against unlicensed upstairs bars.

177. Mr YU Tat-chung responded that the Yau Tsim Police District had spared no effort in combatting unlicensed upstairs bars in the previous year. There had been fewer bar-related crimes in 2012 than in 2011. He said that Yau Tsim District was especially concerned about juvenile crimes happened in bars, so it would continue to send officers to carry out regular inspections and would request the responsible persons of bars to properly manage the bars.

178. The Chairman urged the Police to step up efforts in encouraging the public to report unlicensed upstairs bars.

179. There being no other comments, the Chairman closed the discussion on the item.

Item 15: To Request Government to Add Provisions in Private Recreational Leases to Require Opening-up of Facilities to Public (YTMDC Paper No. 15/2013)

180. The Chairman said that the written response (Annex 5) of the Home Affairs Bureau (HAB) had been distributed to Members for perusal before the meeting. He then welcomed Ms Yvonne CHANG, Senior Estate Surveyor/Kowloon Central (District Lands Office, Kowloon West) of the LandsD to the meeting.

181. The Hon James TO supplemented the paper with some additional information. He said many sites in the YTM District were used as private clubs, which were charged concessionary rents when the land leases were granted by the Government. He hoped that

when the leases of such sites expired, the Government would add terms in the new leases that require the clubs to open up recreational facilities therein for public use to benefit residents in the district.

(Mr HUI Tak-leung left the meeting at 7:45 pm.)

182. Ms Yvonne CHANG responded that 12 lots of land in YTM District were currently used as private clubs. The leases of 10 of them had already expired on 25 December 2011. According to the new policies of the Private Recreational Leases, the HAB had added new terms into the renewed leases of the 10 lots of land. The lessees of those lots of land were required to make available their designated facilities to outside bodies for a prescribed number of hours per month. In fact, the opening hours of the facilities agreed by all the lessees were over the requirement of 50 hours. The HAB would further consider ways to allow more public access to the designated facilities of private clubs in due course.

183. Mr CHAN Wai-keung pointed out that the Government, on one hand re-zoned 36 G/IC sites for residential purpose and implemented a series of measures to increase the supply of land for housing. On the other hand, it continued to re-zone some sites in the district for private recreational purpose. He also pointed out that although the Government had set a monthly minimum requirement of 50 opening hours of designated facilities for use by outside bodies in the lease renewal procedure, it did not monitor whether the lessee had in fact complied with the term. In addition, such lessees often only opened up their facilities to outside bodies with whom they were on good terms, which was not fair to other parties.

184. Ms Yvonne CHANG responded that when the HAB considered renewing a lease with lessees, it would examine their past records of opening up facilities for use by outside bodies. In addition, newly renewed leases would also stipulate that lessees must submit quarterly reports to the HAB, demonstrating to the satisfaction of the Secretary of Home Affairs (SHA) that they had opened up designated facilities for use by outside bodies.

185. The Chairman and Mr CHAN Wai-keung asked how government departments would monitor whether lessees of private clubs had complied with the new terms.

186. Ms Yvonne CHANG replied that the LandsD, in response to the HAB's new policies under the Private Recreational Leases, had already included terms in new leases that required the lessees to open up their designated facilities to outside bodies for a minimum of 50 hours per month. The new terms also required the lessees to submit quarterly reports to the SHA, demonstrating to the satisfaction of the SHA that they had opened up designated facilities for use by outside bodies. She believed that the measure already had a monitoring effect.

187. The Hon James TO said the renewed tenure of private recreational leases was generally very long. He suggested that the Government should prudently consider whether the lessee would be able to comply with the new terms of the lease.

188. Ms KWAN Sau-ling considered it more appropriate for the Legislative Council to discuss and follow up the item as it involved the Government and private recreational leases.

189. The Vice-chairman thought that the LandsD should re-examine the tenure of private recreational leases and the term on opening up facilities for outside use, so as to meet the needs of the community.

190. Ms Yvonne CHANG responded that the LandsD had handled 10 cases of private recreational lease renewal applications in YTM District according to the guidelines and requests of the HAB. In addition, she said the HAB had stated in its written reply that the Bureau would

comprehensively review the Private Recreational Leases policy to meet the needs of the community.

(Mr Edward LEUNG left the meeting at 8 pm.)

Item 16: Progress Reports

- (1) District Management Committee
(YTMD C Paper No. 16/2013)
 - (2) Community Building Committee
(YTMD C Paper No. 17/2013)
 - (3) District Facilities Management Committee
(YTMD C Paper No. 18/2013)
 - (4) Housing and Building Management Committee
(YTMD C Paper No. 19/2013)
 - (5) Traffic and Transport Committee
(YTMD C Paper No. 20/2013)
 - (6) Working Group on Ethnic Affairs
(YTMD C Paper No. 21/2013)
-

191. Councillors noted the contents of the progress reports.

Item 16: Any Other Business

192. Mr CHAN Siu-tong reported that Mr Chris IP and he had participated in the “District Councils Challenge Cup” of the 10 KM Standard Chartered Hong Kong Marathon on behalf of the YTMD C on 24 February, and got the third runner-up position. In addition, Mr Derek HUNG, Mr WONG Kin-san and he had participated in the “Cycling for Health Marathon Challenge 2013” on 27 January and had successfully finished the race.

193. There being no other business, the Chairman closed the meeting at 8:03 pm. The next meeting would be held at 2:30 pm. on 25 April 2013 (Thursday).

Yau Tsim Mong District Council Secretariat
April 2013

**Proposed Amendments to the Draft Minutes of
the 8th Meeting of Yau Tsim Mong District Council (2012-2015)
held on 13 December 2012**

The amendments proposed by the Buildings Department were as follows:

Paragraph 34:

Original Text:

‘Mr TANG Hing-fung said that after the fire, the BD had once issued 19 unauthorised building works (UBWs) removal orders against the building at 192-194 Fa Yuen Street. Among these, seven orders were against subdivided units, and all of them had been complied with. Later, the BD issued another 24 removal orders against the building, with half of them did not involve subdivided units. Out of the 24 orders, 10 had not been complied with, and the BD would instigate prosecutions against those owners involved. Regarding the building at 194-196 Fa Yuen Street, the BD had issued six repair orders against it and all of them had been complied with. In addition, the BD issued 19 UBWs removal orders against the building at 196-198 Fa Yuen Street. Eight of these orders were against subdivided units, four of them had been complied with, and the BD would instigate prosecutions against the subdivided units under the remaining four orders that had not been complied with. As for the 11 removal orders that did not involve subdivided units, seven of them had been complied with, and the BD would instigate prosecutions against the remaining non-compliant owners.’

Proposed amendment:

‘Mr TANG Hing-fung said that after the fire, the BD had issued 19 unauthorised building works (UBWs) removal orders against the building at 192-194 Fa Yuen Street. Among these, seven orders were against subdivided units, and all of them had been complied with. Of the 12 remaining UBWs removal orders, ten had not been complied with, the BD would instigate prosecutions against those owners involved. Moreover, the BD issued a total of six repair orders against the building at 192-194 Fa Yuen Street, and all of them had been complied with. In addition, the BD issued 19 UBWs removal orders against the building at 196-198 Fa Yuen Street. Eight of these orders were against subdivided units, five of them had been complied with, and the BD would instigate prosecutions against the subdivided units under the remaining three orders that had not been complied with. As for the 11 removal orders that did not involve subdivided units, seven of them had been complied with, and the BD would instigate prosecutions against the remaining non-compliant owners.’

The amendments proposed by the Chairman were as follows:

Paragraph 129:

Original Text: ‘The Chairman said that he believed that the majority of YTMDC Members supported the OALA Scheme, hoping that the eligible elders would be able to benefit from the scheme as soon as possible. He asked Ms WONG Yin-yee to tell the authorities that discretion should be exercised on individual cases during the vetting and approval of asset declaration. For example, if an applicant could prove that he/she was not the true user of an asset (e.g. parking space) under his/her name, then the case could be treated more leniently.’

Proposed amendment: ‘The Chairman said that he believed that the majority of YTMDC Members supported the OALA Scheme, hoping that the eligible elders were able to benefit from the scheme as soon as possible. He asked Ms WONG Yin-yee to tell the authorities that discretion should be exercised on individual cases during the vetting and approval of asset declaration. For example, in the constituency of Charming Garden, since the Charming Garden was under the Home Ownership Scheme and parking spaces within could only be purchased by owners, if an applicant could prove that he/she was not the true user of the parking space under his/her name, then the SWD should consider treating the case more leniently.’

**Reply to Yau Tsim Mong District Council
The 9th Meeting Minutes (28 February 2013)**

**Continued Concern over No. 4 Alarm Fire at Fa Yuen Street
and Its Follow-up Work**

Regarding the query from The Hon James TO Kun-sun on the nature of offence in the removal orders issued to the owners of the subdivided flats at the buildings in Fa Yuen Street near the fire incidence, the reply from this department is as follow:-

Buildings Department had issued a total of 18 nos. removal orders to the owners of the subdivided flats at 188-196 Fa Yuen Street. This department has instigated prosecution against the 8 owners for non compliance of the removal orders. These 8 orders involve the blocking of the escape route to the rear staircase by the unauthorized subdivided flats. Other unauthorized building works involved include: the forming of illegal opening in the stairwell (3 nos.), the installation of swing out metal gate at the unit entrance obstructing the escape route (3 nos.), the construction of raised floor affecting structural safety (1 nos.) and the installation of inadequate fire rating door (2 nos.).

Buildings Department

April 2013

Annex 3

YTM District Council Meeting Document No. 13/2013

Legislation on Street Obstruction Hanging in the Air and The Public Showing Disapproval to the Progress Made

Unauthorised extension of business by shops, being a street management issue, falls within the purview of a number of government departments. The core function of the Food and Environmental Hygiene Department (FEHD) is to upkeep environmental hygiene. Hence, it accords priority to handling cases causing obstruction to scavenging operations or cases relating to unauthorised extension of restaurants. FEHD takes appropriate enforcement action depending on the circumstances of individual cases.

FEHD is vigilant about tackling unauthorised extension of business area by shops and restaurants in the Yau Tsim Mong (YTM) District. Apart from conducting regular inspection, FEHD takes blitz prosecution action to combat such irregularities. For illegal occupation of public places by shops, there are 45 black spots in YTM District. In 2012, targeting at black spots, FEHD instituted a total of 1 261 prosecutions against obstruction caused by shops, 176 prosecutions against unauthorised extension of food business and 216 prosecutions against obstruction caused by food premises respectively. Some of the prosecutions were made against recalcitrant offenders.

Encroachment on public place leading to obstruction is a breach of section 4A of the Summary Offences Ordinance (Chapter 228). The offence carries a maximum fine of \$5,000 and imprisonment of 3 months. According to FEHD's prosecution record in 2012, the Court handed down fines ranging from \$230 to \$4,000 for section 4A cases.

FEHD prosecutes food premises licensees for unauthorised extension of business area under section 34C of the Food Business Regulation (Chapter 132X). Upon conviction, they are liable to a maximum fine of \$10,000 and imprisonment of 3 months. Under FEHD's Demerit Point System for licensed food premises, if the licensee

is convicted of the said offence, a prescribed number of demerit points will be registered against the food premises. The demerit points accumulated could lead to temporary suspension or cancellation of food licence. According to FEHD's prosecution record in 2012, the fines handed down by the Court ranged from \$1,500 to \$15,000 for section 34C cases. We believe that the current policy carries a good measure of deterrence against breaches on the part of food businesses.

A total of 35 and 4 licences were suspended or cancelled respectively in 2012. The strength of the current policy in terms of deterrence effect is considered appropriate.

The existing legislation has provided FEHD with sufficient power to prosecute offenders of unauthorised extension of food businesses. It is for the Court to determine the severity of the penalties and the level of fines imposed on each offence based on individual circumstances. For recalcitrant offenders or cases involving obstructions of significant gravity, past prosecution and conviction statistics and evidence showing the extent of unauthorised extension of business areas, past complaints, past levels of fines are adduced by FEHD before the Court, with a view to facilitating the Court to consider an appropriate level of penalty. Should FEHD consider the level of penalties awarded too low, FEHD may seek advice from the Department of Justice to apply to the Court for review.

FEHD will continue to monitor the situation and take actions, as appropriate, to maintain an obstruction-free passageway and environmental hygiene in the district. The DEHSes of the MK and YT districts will represent FHB and FEHD to attend the YTMDC meeting on 28 February for discussion of this issue.

Food and Health Bureau
Food and Environmental Hygiene Department
February 2013



酒牌局

LIQUOR LICENSING BOARD

九龍深水埗基隆街333號北河街市政大廈四字樓

4/F., Pei Ho Street Municipal Services Building, 333 Ki Lung Street, Shamshuipo, Kowloon

電話Tel : 2729 1237

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Our Ref: () in FEHD (K) LL 36-55/40/0

By Post

Secretary, Yau Tsim Mong District Council

Ms Joanne CHUNG

4/F, Mong Kok Government Offices,

30 Luen Wan Street, Kowloon

25 February 2013

Dear Ms CHUNG,

Publicity of List of Premises with Liquor Licence

Thank you for your letter dated 8.2.2013 addressed to District Environmental Hygiene Superintendent (Mong Kok) of Food and Environmental Hygiene Department concerning the captioned issue which will be discussed in the Yau Tsim Mong District Council meeting to be held on 28 February 2013.

Currently, the Liquor Licensing Board (the Board) has uploaded the "List of Licensed Liquor Premises" in the Board's webpage (http://www.fehd.gov.hk/english/LLB_web/epremis.html) showing the particulars of the licensed liquor premises such as shop sign, district and address. The public can browse the webpage for details.

In addition, as regards the concern of the public towards the licensed liquor premises, the Board will enrich the list in the webpage this year by displaying the expiry date of the licence of each licensed liquor premises and its additional licensing conditions, such as restrictions on liquor selling hours; the time the doors and windows of the premises shall be kept closed; and the time no speaker or other sound amplification of the premises is to be used or no music is to be played on the premises, for the purpose of providing more information to the public. The public can offer their views on any licensed liquor premises to the Board.

In respect of the enforcement to apprehend persons drinking in unlicensed place, you may wish to consult the Police, the enforcement agent of the Dutiable Commodities (Liquor) Regulations.

Yours sincerely,


(Miss Hui Gofia LEE)

Assistant Secretary (Liquor Licence) Kowloon 1

c.c.

District Environmental Hygiene Superintendent (Mong Kok) Fax: 2391 5572

(Mr CHAN Hon-kwong)

District Environmental Hygiene Superintendent (Yau Tsim) Fax: 2735 5955

(Mr WONG Kam-wah)

政府總部
民政事務局

香港添馬添美道二號
政府總部西翼十二樓



GOVERNMENT SECRETARIAT
HOME AFFAIRS BUREAU

12TH FLOOR, WEST WING,
CENTRAL GOVERNMENT OFFICES,
2 TIM MEI AVENUE,
TAMAR,
HONG KONG.

本局檔號 Our Ref.: HA/B/R&S 4021/01
來函檔號 Your Ref.:
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圖文傳真 Fax: 2519 7404

Annex 5

油尖旺區議會第15/2013號文件

民政事務局的書面回應

油尖旺區議會
鍾港武主席，JP

鍾主席：

關於涂謹申議員就油尖旺區私人遊樂場地契約提交的文件

我們從貴秘書處2月20日致民政事務局局長函件中得悉涂謹申議員致油尖旺區議會關於標題所示議題的文件。由於本局相關人員在2月28日已另有公務安排，因此抱歉未能派員出席區議會的會議。就有關議題，我現以書面回覆如下。

政府透過「私人遊樂場地契約」批出土地予私人體育會及其他非牟利團體，這些團體及會所一直通過自行籌募經費以發展、營運及維修所管理的康體設施。位於油尖旺區的私人遊樂場地契約個案共12個，有關的名稱及契約屆滿日期見於附表。

按「私人遊樂場地契約」政策批出的土地個案，提供了各式各樣的康體設施，例如九龍木球會所提供的板球場、九龍草地滾球會所提供的草地滾球場及香港基督教青年會所提供的單線滾軸曲棍球場，均可用作舉辦大型國際體育活動賽事；至於南華體育會及旺角區文娛康樂體育會等均以相宜費用開放其體育設施。這些契約營運者至今仍是提供康樂設施的主要持份者之一，對香港的體育發展有一定貢獻。

「私人遊樂場地契約」規定，營運者須按政府有關當局的要求，每星期開放某個時數的體育設施予外界團體預訂使用。根據這12個契約營運者提供的資料顯示，他們過往一直有主動地將其設施開放予外界團體使用，包括讓學校體育運動代表隊進行練習、供香港體育代表隊及制服團體作訓練之用，及讓社福機構舉行活動。

在進一步加強開放體育設施的要求方面，契約營運者已向當局提交計劃書，並承諾每月開放其體育設施一定的時數予外界團體使用，以優惠入會費推行初級會員計劃供年輕運動員申請，同時容許體育總會使用合適的設施舉辦國際賽事，以符合新的開放設施要求。事實上，契約營運者承諾的開放時數均超過50小時，有些更遠超此數。民政事務局現正與個別營運者商討，目的是及早落實有關開放設施安排。

座落於油尖旺區內的12個契約，其中10個已於2012年或之前屆滿，有關的契約營運者均獲准按照期滿契約的條款，暫時使用有關用地，以待正式契約續期工作完成。現時，這10個已經到期的契約續期文件正在草擬及審批階段。

當局有見社會需求的改變，決定先行完成這一輪契約的續約工作，讓契約營運者就進一步開放設施的契約要求得以盡快落實推出，而有關設施得以對外界團體作更大程度開放。在這一輪的契約續期工作完成後，有關決策局及部門會就「私人遊樂場地契約」政策進行全面檢討。

倘若你對上述回覆有任何查詢，歡迎致電3509 8069，與本人聯絡。

民政事務局局長

(湯李欣欣



代行)

2013年2月27日

油尖旺區私人遊樂場地契約一覽表

編碼	私人遊樂場地 契約營運者	地點及地段編號	契約屆滿日期
1.	西洋波會	加士居道 20 號九龍內地段第 11098 號	2011 年 12 月 25 日
2.	香港基督教青年會董事	京士柏加士居道側九龍內地段第 11105 號及其 增批部分	2011 年 12 月 25 日
3.	菲律賓會所	衛理道 10 號九龍內地段第 11096 號	2011 年 12 月 25 日
4.	香港政府華員會	衛理道 8 號九龍內地段第 11048 號	2011 年 12 月 25 日
5.	香港女童軍總會	加士居道及衛理道交界九龍內地段第 10734 號	2056 年 12 月 25 日
6.	九龍印度會	加士居道 24 號九龍內地段第 11095 號	2011 年 12 月 25 日
7.	九龍草地滾球會	柯士甸道 123 號九龍內地段第 11065 號	2011 年 12 月 25 日
8.	九龍木球會	覺士道 10 號九龍內地段第 11052 號	2011 年 12 月 25 日
9.	旺角區文娛康樂體育會 有限公司	埃華街及樺樹街交界處九龍內地段第 11165 號	2018 年 9 月 9 日
10.	文康市政職員遊樂會有 限公司	衛理徑 4 號九龍內地段第 11097 號	2011 年 12 月 25 日
11.	巴基斯坦協會香港有限 公司	公主道 150 號九龍內地段第 11094 號	2011 年 12 月 25 日
12.	南華體育會	衛理徑 6 號九龍內地段第 11071 號	2011 年 12 月 25 日